

Express Mail No.: EL 752187061 US

9D-DW-19349  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

Applicant: Barry et al.

Serial No.: 09/748,804

Filed: December 27, 2000

For: DISHWASHER SILVERWARE  
BASKET WITH SWIVEL  
HANDLE

Art Unit:

Examiner:

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE  
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED  
PATENT APPLICATION**

Box DAC  
Hon. Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181 and MPEP 711.03(c) II, Applicants hereby petition to withdraw holding of abandonment based on failure to receive an office communication. Through a status check by telephone, Applicants have learned that the above-identified application has been held to be abandoned. Specifically in the telephone status check, Applicants have learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicants on February 8, 2001. The undersigned has examined Applicants' file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION or a notice of abandonment. Additionally, attached is a copy of the file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

02/04/2002 GTEFFERA 00000007 012384 09748804

01 FC:122 130.00 CH

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02/04/2002 GTEFFERA 00000007 012384 09748804

03 FC:141 1280.00 CH

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Applicants respectfully submit that Applicants' record is indicative of Applicants never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn. Specifically, Applicants request that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn.

Applicants believe that the fee due for this petition under 37 C.F.R. § 1.181 is \$130 (37 C.F.R. § 1.17(h)) and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$260.00 to deposit account 01-2384. If \$260.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicants hereby petition to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).
- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.
- (4) Fees:
  - a. Payment of the late filing fee \$ 130.00
  - b. Petition fee \$ 1,280.00  
(37 C.F.R. 1.17(m))

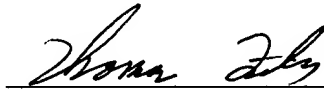
TOTAL FEES DUE: \$ 1,410.00

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

- (5) Enclosed is a signed declaration.
- (6) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



Thomas M. Fisher  
Registration No. 47,564  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070



PATENT  
9D-DW-19349

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER OF PATENTS AND TRADEMARKS**

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Express Mail mailing label number: EV 752187061 US

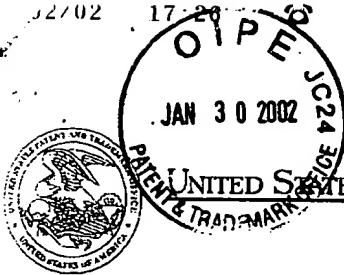
Date of Mailing: January 30, 2002

I certify that the attached **Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application** of Barry et al. for **DISHWASHER SILVERWARE BASKET WITH SWIVEL HANDLE**, Serial No. 09/748,804, filed **December 27, 2000**, including:

- Petition For Withdrawal Of Holding Of Abandonment Or, In The Alternative, For Revival Of An Unintentionally Abandoned Patent Application (3 pages, in duplicate)
- Copy of Notice To File Missing Parts Of Nonprovisional Application (1 page)
- Declaration and Power Of Attorney of Rodney J. Barry and Jesse A. Curran (2 pages)
- Copy of File Folder – Docketing Information (1 page)
- Return post card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231-0001.

Thomas M. Fisher  
Reg. No. 47,564  
Armstrong Teasdale LLP  
One Metropolitan Square, Suite 2600  
St. Louis, MO 63102  
(314) 621-5070



COPY

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/748,804	12/27/2000	Rodney Barry	9D-DW-19349-Barry et al

General Electric Company  
Appliance Park 2-225  
Louisville, KY 40225

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DEPUTY A/C PATENTS

CONFIRMATION NO. 3540

FORMALITIES LETTER



Date Mailed: 02/08/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

02/04/2002 GTEFFERA 00000007 012384 09748804

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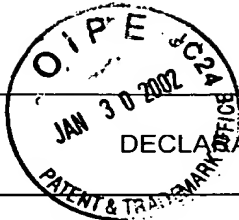
OFFICE OF PETITIONS

Applicant: Barry et al.  
S.N.: 09/748,804  
Filed: December 27, 2000  
Atty Dkt. No.: 9D-DW-19349



ATTORNEY IN CHARGE	INVENTOR(S)		PATENT NO.	DOCKET NO.
ATTORNEY OF RECORD	<i>Barry, Barry, J. J. Barry</i>		SERIAL NO. <i>09/748,804</i>	<i>9D-DW-19349</i> DOCKETED
COMMITTEE RATING	TITLE <i>Electronic Software Based with Serial Number</i>		FILED <i>12/27/00</i>	RECORDED <i>1/15/99</i>
DEPT. CHARGED	DATA ON FOREIGN-ORIGINATED CASES & ASSIGNEE OF RECORD (IF NOT G.E. CO.)		DIV. NO.	REEL FRAME
DEPT. OF ORIGIN	EXC'D DATE		ALLOWED	RELATED DIV. OR CONT.
BUS. ADDR. OF INV.(S)	BONUS NOTIFICATION	FILING FEE REQ.	SENT TO PATENT OFF.	G. E. CLASS NUMBER
		INFO. TO IGE.	SUPPL. OATH REQ.	
ACTIONS		ACTIONS		
1	<i>Filing Receipt</i>	16		
2		17		
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4	<i>IDS sent 6/1/01</i>	19		
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## DECLARATION AND POWER OF ATTORNEY

Attorney Docket No.  
9D-DW-19349

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DISHWASHER SILVERWARE BASKET WITH SWIVEL HANDLE**, the specification of which:

(check one) ☐ is attached hereto.  
☒ was filed on December 27, 2000 as Application Serial No. 09/748,804,  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim priority benefits under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

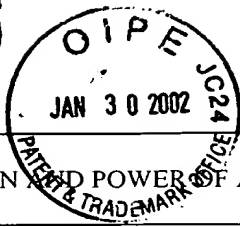
<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.</u>
_____	_____	
_____	_____	
_____	_____	

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)  
H. Neil Houser (Reg. No. 28,859) and George Rideout, Jr. (Reg. No. 43,880), all of General Electric Company, Appliance Park 2-225, Louisville, KY 40225; Ronald E. Myrick (Reg. No. 26,315); Henry J. Policinski (Reg. No. 26,621), Jay L. Chaskin (Reg. No. 24,030) and John F. Beninati (Reg. No. 40,510), all of General Electric Company, 3135 Easton Turnpike, Fairfield, CT 06431; John S. Beulick (Reg. No. 33,338), Bruce T. Atkins (Reg. No. 43,476), Thomas M. Fisher (Reg. No. 47,564), Daniel M. Fitzgerald (Reg. No. 38,880), Patrick W. Rasche (Reg. No. 37,916), Robert B. Reeser III (Reg. No. 45,548), Gordon F. Sieckmann (Reg. No. 28,667), and Michael Tersillo (Reg. No. 42,180), all of Armstrong Teasdale LLP, One Metropolitan Square, St. Louis, MO 63102.

Send Correspondence to:  
John S. Beulick  
Armstrong Teasdale LLP  
One Metropolitan Square, Suite 2600  
St. Louis, MO 63102

Direct Telephone Calls To:

John S. Beulick  
314-621-5070



DECLARATION AND POWER OF ATTORNEY	Attorney Docket No. 9D-DW-19349
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

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SOLE OR FIRST INVENTOR:

Full Name: Rodney J. Barry

Signature: Rodney J. Barry

Date: 1/11/02

Residence: Louisville, Kentucky

Citizenship: USA

Post Office Address: 4011 Spring Mill Place, Louisville, KY 40245

SECOND JOINT INVENTOR, IF ANY:

Full Name: Jesse A. Curran

Signature: Jesse Curran

Date: 1/11/02

Residence: Versailles, Kentucky

Citizenship: USA

Post Office Address: 100 Delaneys Ferry Road, Versailles, KY 40383